

and political corruption. This is \$72,000,000 a year — more than four times what we get from real and personal property taxes — more than four times what insurance companies pay the State; nearly six times the tax on all horse racing, more than one half as much as sales taxes; more than one half as much as the entire federal receipts. It is enough to cover one-third of the entire public educational budget and nearly as much as we allow for the state's public welfare program. Suppose a future legislature devised a plan to use this public welfare program. \$72 million for cancer research or refining heart transplanting surgery techniques? Would we want it said that we put this notable project beyond its grasp by constitutional bungling?

Frankly, I think we are suckers. Why continue to give up our rich source of revenue to the racketeers? We do not know what is up ahead for our State. If we add on to our constitution the prohibition of horse racing as we do lottery, we would lose \$12,000,000. Imagine our giving up the income from our race tracks. I say leave the whole matter to the General Assembly.

Finally, this prohibition should not be imbedded into the fundamental law of the State — tying the hands of future legislators. They may wish to consider such programs in the future and in the light of changing circumstances. Then, if they need to, and public support of a lottery may be mobilized, it is too difficult to change once it has gone into the constitution. The laborious process of adding constitutional amendments must follow. They must win at every step, and we know a racket-backed minority can block it. The minority can thus rule and control.

The best constitution for the future is not what should be added, but what should be left out. Leave out now provisions which might prohibit the legislature from legislating. There is no constitutional prohibition against fraud, prostitution, use of narcotics, betting on horses and other sins — why just lottery?

Thank you.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, fellow delegates, let me say in the beginning of my remarks that I frankly cannot agree with the interpretation of this prohibition that the Chairman of the Committee put on, but I do believe that if the prohibition stays in the constitution, that if the legislature then excludes certain activities as not being lotteries, it really is up

to the Court of Appeals to determine whether that standard is met or not. With that understanding, I rise in support of the majority Committee Recommendation.

I think there isn't any question that we all would agree that we are living in a time of changing values. I think that we are faced here with an issue that reflects in many ways considerations of changing values in connection with this proposition of gambling or no gambling in the State.

I think also the issue is really fundamentally clear for us. That issue is if this prohibition is excluded from the Constitution and if — I think this is a big if — this constitution is thereafter approved by the voters, I would submit that within two years of this date this State will have a state lottery passed by the legislature of Maryland. It will be on the statute books.

Then I think the question must be asked in each of our minds tonight if within less than four years after this State has paved the way for the abolition of slot machines we here facilitate a state lottery in this State, whether we have not put this constitution in jeopardy. Much is said in the argument about freeing the hands of the legislature to do its will. I had always assumed the function of government, legislature being one of those branches, was to do the public good and advance the public good. I do think that it is something that each delegate here has to answer in his own mind as to whether a statewide lottery is a public good. I submit with humility, that as far as I am concerned, I do not think it is a public good.

I think that we should remember vividly the tensions and strains that were existing in this State in 1961, 1962 and 1963 when the slot machines were finally abolished in Maryland. I think we have to ask ourselves whether we want to go through that kind of battle again.

There is another aspect of the problem that I think deserves consideration, that is what we have already voted on to share the powers of government with local government. We will have a state lottery on the statute books in two years and will we then be in any position to stop any community in the State of Maryland from putting in slot machines or any kind of gambling that the mind of man can conceive? I doubt it. That is the issue you are faced with. I hope you support the majority recommendation.

THE CHAIRMAN: Delegate Dukes.